

Manatee County Zoning Ordinance

**PDR-20-20(Z)(G) – GREBE/GAMBLE CREEK FARMS – GAMBLE CREEK RANCH
HOLDINGS 4 TRUSTEE OF GAMBLE CREEK LAND TRUST AND PAUL T. GREBE /
SUSAN L. GREBE (OWNERS) – PLN2010-0103**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO THE ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 93.881 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF GOLF COURSE ROAD APPROXIMATELY 0.75 MILES EAST OF FT. HAMER ROAD AND APPROXIMATELY ONE-HALF MILE WEST OF SPENCER PARRISH ROAD IN PARRISH (MANATEE COUNTY), FROM A/NCO (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY DISTRICT) TO THE PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL OVERLAY DISTRICT) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR TWO HUNDRED SIXTY-SIX (266) SINGLE-FAMILY DETACHED, ATTACHED, AND SEMI-DETACHED RESIDENTIAL DWELLING UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Gamble Creek Ranch Holdings 4 Trustee of Gamble Creek Land Trust and Paul T. Grebe/Susan L. Grebe (the "Applicant") filed an application to rezone approximately 93.881 acres described in Exhibit "A", attached hereto, (the "Property") from A/NCO (General Agriculture/North Central Overlay District) to the PDR/NCO (Planned Development Residential/North Central Overlay District) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for two hundred sixty-six (266) single-family detached, attached and semi-detached residential dwelling units (the "project") on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to: 1) Land Development Code Section 402.7.D.7 to reduce the minimum front yard setback of twenty-five (25) feet to twenty-three (23) feet for front loaded garages and twenty (20) feet for side loaded garages and remaining habitable portion of the structure; 2) Public Works Manual Part 3, Section 3.1.3 to reduce the minimum required width of travel lanes for private streets from twelve (12) feet to eleven (11) feet; and 3) Land Development Code Section 403.12.D.3.(k) to reduce minimum required setbacks in the NCO (North Central Overlay) district from fifteen (15) feet to five (5) feet for swimming pools, pool cages or other accessory structures that would potentially conflict with buffer vegetation; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on December 9, 2021, to consider the rezone, General Development Plan and Specific

Approval applications and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications subject to the stipulations contained in the staff report.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA;

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A/NCO (General Agriculture/North Central Overlay District) to the PDR/NCO (Planned Development Residential/North Central Overlay District) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on January 6, 2022, regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for two hundred sixty-six (266) single-family detached, attached, and semi-detached residential dwelling units upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. The Preliminary Site Plan/Final Site Plan shall illustrate a focal point in accordance with LDC requirements.
2. Front yard building setbacks and accessory structure setbacks shall be as follows:

Front: 23 ft front loaded garages; 20 ft side loaded garages
Side: 5 feet
Rear: 15 feet

Wetland Setback: 15 feet

3. Any significant historical or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.
4. If applicable, all lots adjacent to active agricultural operations shall have an additional thirty-five (35) foot setback, unless separated by a street or other designated open space at least thirty-five (35) foot in width. If an adjoining agricultural operation is no longer in effect at the time of submittal of the Final Plat, then the requirements of Section 401.3.E.(8) shall no longer apply, and the additional thirty-five (35) foot setback may be eliminated from the plat.

B. ENVIRONMENTAL STIPULATIONS

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
3. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing);
 - GPS coordinates (latitude/longitude) of the well;
 - The methodology used to secure the well during construction (e.g. fence, tape); &
 - The final disposition of the well - used, capped, or plugged.
4. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
5. Where residential rear lots abut landscape buffers, the buffer canopy trees shall be planted midway from the edge of the required buffer width, to allow for a minimum of 15 feet separation from potential accessory structures and buffer plantings.

6. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas that will serve as wetland mitigation areas.

C. STORMWATER ENGINEERING STIPULATIONS

1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the 100-year floodplain as derived from the Gamble Creek Watershed Management Plan and the FEMA 2014 FIRM; and post-development discharge of runoff. The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:

Storm Frequency:	Cumulative Rainfall:	Rainfall Distribution:
10-year/24-hour	7 inches	FLMOD
25-year/24-hour	8 inches	FLMOD
50-year/24-hour	9 inches	FLMOD
100-year/24-hour	10 inches	FLMOD
100-year/72-hour	18 inches	FDOT-72

50-year storm event modeling applies to thoroughfare drainage systems only.

The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging. Drainage Modeling (utilizing best available information from Gamble Creek Watershed Management Plan and associated master drainage modeling) shall be submitted to demonstrate compliance prior to commencement of construction.

2. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by fifty (50) percent for Gamble Creek Watershed.
3. All fill within the 100-year floodplain (as derived from the Gamble Creek Watershed Management Plan and the FEMA 2014 FIRM) shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
4. A Drainage Easement shall be dedicated to Manatee County and be shown on the along the Gamble Creek and tributary systems within rezone application tract of land. In addition, a 25 feet Drainage-Maintenance Access Easement shall be provided along the north bank of Gamble Creek and along tributary systems. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
5. Ten (10) feet separation shall be provided between accessory structures (i.e., Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of less than 7.5 feet.

1. Connection to the County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit "A", incorporated by reference herein, from A/NCO (General Agriculture/North Central Overlay District) to the PDR/NCO (Planned Development Residential/North Central Overlay District) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Building and Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 6th day of January 2022.



**BOARD OF COUNTY
COMMISSONERS OF MANATEE
COUNTY, FLORIDA.**

BY: 
Kevin Van Ostenbridge, Chairman

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court**

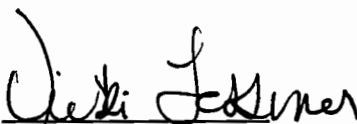
BY: 
Deputy Clerk

Exhibit "A"

Legal Description

Description: A parcel of land lying in Section 4, Township 34 South, Range 19 East, Manatee County, Florida, being more particularly described as follows: **COMMENCING** at the Northwest corner of Section 4, Township 34 South, Range 19 East, Manatee County, Florida; thence North 89°56'05" East, along the North line of said Section 4, a distance of 1,351.30 feet; thence leaving said North line, South 00°03'03" West, a distance of 40.00 feet to the **POINT OF BEGINNING**; thence North 89°56'05" East, along the South right of way line of Golf Course Road, a distance of 1,304.90 feet; thence S.00°06'54"W., a distance of 648.76 feet; thence South 89°57'50" East, a distance of 336.76 feet West boundary line of Canoe Creek Phase 1, Plat Book 63, Page 62, Official Records of Manatee County, Florida; thence South 00°02'10" West, along said West line, a distance of 1975.21 feet; thence South 89°54'38" West, a distance of 1,641.44 feet to the East boundary line of Cross Creek Phases 1B and 1C, Plat Book 67, Page 44, Official Records of Manatee County, Florida; thence North 00°03'03" East, along said East line, a distance of 2,625.26 feet to the **POINT OF BEGINNING**.
Containing 93.881 acres.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

January 7, 2022

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Vicki Tessmer

Dear Ms. Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDR-20-20(Z)(G), which was filed in this office on January 6, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb